



SAN BRUNO CITY COUNCIL

REGULAR MEETING

MINUTES

October 28, 2003

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on October 28, 2003, at the San Bruno Senior Center 1555 Crystal Springs Road. Meeting was called to order at 7:10 p.m.

ROLL CALL: Recorded by City Clerk Simon, present were Mayor Franzella presiding; Vice Mayor Pallas, Councilmembers Ibarra, Ruane, and O'Connell.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

PLEDGE OF ALLEGIANCE: Led by Library Services Director Terry Jackson.

ANNOUNCEMENTS:

Project Pride's Halloween Parade will be held Friday October 31, 2003, starting at 3:30 p.m. This year's parade will be held at the San Bruno Recreation Center in City Park at Crystal Springs Road and Oak Avenue due to construction at the Tanforan Mall.

PRESENTATIONS:

The Peninsula Humane Society presented donation of **oxygen masks for animals** to the San Bruno Fire Department. Scott Delucchi demonstrated the new masks on his dog Cooper. Masks are similar to the ones used by veterinarian clinics. Mayor Franzella thanked Mr. Delucchi for the demonstration and the Humane Society for the donation.

REVIEW OF AGENDA: No changes

APPROVAL OF MINUTES: For the regular Council meeting of Oct 14, 2003. Approved as submitted.

CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

a. Approve: Payroll of October 10, 2003.

b. Approve: Accounts Payable of October 6, 2003. (Council Packets only, copy is available for review at the City Clerk's office)

c. Accept: Presented by City Treasurer Karen Hornung, reconciliation of General Ledger to Bank Reports and the Investment Reports dated September 30, 2003.

M/S Ruane/Ibarra to approve all items on the consent calendar and passed unanimously.

END OF CONSENT CALENDAR

PUBLIC HEARINGS: (NOTICES were published, posted and mailed)

Received Planning Commission recommendation, introduce and waive first reading to **amend the Zoning Ordinance No. 1685** pertaining to "Drinking Establishments", including among other things, revising and creating new definitions, establishing performance standards and mandatory findings, and making

“Drinking Establishments” conditional uses in all zoning districts in which they are currently allowed or by adding “Drinking Establishments” as conditional uses in other non-residential zoning districts.

“Drinking Establishments” include all bars, cocktail lounges, taverns, and designated areas within eating establishments that provide a separate bar or area in which alcoholic beverages are served and consumed.

Introduce and waive first reading of **San Bruno Ordinance No. 1686** which establishes performance standards for alcoholic beverages sales and adds Chapter 5.22 to Title 5, (Nuisances) in the San Bruno Municipal Code.

City Attorney Thompson presented staff report. **Assistant Planner Akin** reviewed the amendment to the zoning ordinance. **Police Lieutenant Hanlon** gave the history and intent of this ordinance along with contacts the Police Department has had with various Drinking Establishments.

Mayor Franzella opened the public hearing and no one wished to make comments. **M/S Pallas/Ruane** to close public hearing and passed unanimously.

On the first item, **Ordinance 1685 M/S Ruane/O’Connell** to waive the first reading and passed unanimously. **Councilmember Ruane** introduced the ordinance for adoption, passed with all Ayes and absent none.

On the second item, **Ordinance No. 1686 M/S Ruane/Ibarra** to waive the first reading and passed unanimously. **Councilmember Ruane** introduced the ordinance for adoption, passed with all Ayes and absent none. **Mayor Franzella** thanked the City Attorney, Police Department, and Community Development Department for the long hours put into moving this ordinance along and for contacting the business establishments involved so they understand why these laws are needed. They all did an excellent job.

UNFINISHED BUSINESS:

Received **Revenue Review Ad Hoc Committee** (Franzella/Ruane) recommendations regarding the SkyPark Inc. request to reduce the Airport parking tax rate and provide direction to staff. The committee is recommending that the City Council declare a “tax holiday” and to temporarily suspend a portion of the 8% Airport Parking Facilities Tax collected. The Proposed ordinance would provide that the City will collect only 5.5% of the gross receipts of any business subject to this tax during the two-year period and that the ordinance would expire on December 31, 2004. **Joe Galligan** from SkyPark Inc. said that even at 5.5%, his company would be paying more than any single parking operation in San Mateo County. They are the highest property tax payer in San Bruno.

Tom Martin of Crystal Springs Road is opposed to a tax reduction for SkyPark. What about the other businesses who have suffered from these difficult times? What justification can there be and I hope it is not because a partner is the former Mayor of Burlingame. **Mayor Franzella** stated he felt that it was in the City’s best interest for SkyPark to remain a viable business and that they will still pay more than another business that may replace them. There are no other businesses in San Bruno who are paying this type of tax.

Jeff Morocco of Piccadilly Place is opposed to a tax reduction for SkyPark because it causes a snowball effect for other businesses. The Tanforan Shopping Center employees were laid off and did not receive any help. He does not think it is fair to give a tax break to one company. **Councilmember Ruane** stated that in the bigger picture of things it was important to see what we could do to keep this business here. This is a unique tax to this business only and at this point in time Cities must get creative.

Councilmember Ibarra stated that SkyPark did sue the City of San Bruno so any comment about friendship is overstated and that their financial condition was verified. Hopefully next year things will pick up and we will be back on track. **Vice Mayor Pallas** said that we are “The City with a Heart”, and if other businesses come before us we will have to deal with them individually. If SkyPark goes out of business we lose everything. **Councilmember O’Connell** said our responsibility as the Council is to the people who voted for this tax. We need to live with the laws, ordinances, and initiatives even though we

may not like them. **M/S Ruane/Ibarra** to approve the committee recommendation. Ayes, Ruane, Ibarra, Pallas, and Franzella with O'Connell voting No.

City Clerk Simon recommended City Council take formal action to cancel the November 11, 2003, Council meeting due to the Veteran's Day Holiday and re-schedule meeting to Monday November 17, 2003, at 7:00 p.m. at the San Bruno Senior Center. Oath of office for the newly appointed members and selection of Vice Mayor will take place at the beginning of the meeting. **M/S Ibarra/Ruane** to approve and passed unanimously.

Received report and request for approval of agreement deferring the payments conditioned in the Planned Development Permit 020-02 pertaining to **Tanforan Park Shopping Center**. **Assistant City Manager Rogers** reported that a final agreement with Tanforan has been realized. Agreement must be signed no later than Friday October 31, 2003, at 5:00 p.m. The Bank building on El Camino Real will be demolished by November 15, 2003. The renovation of Tanforan will be complete by November 2005. **Les Hausrath** the attorney for Tanforan confirmed that the final terms of the agreement have been negotiated. The dedication of the El Camino property is going forward and because of the BART litigation this process has been very complicated. 40% of the Mall space has signed leases with National tenants in place and 28% is pending negotiations. **Councilmember Ibarra** requested the names of the stores who have signed leases. Mr. Hausrath said this information would be made available at a future date. **M/S Ruane/Ibarra** to approve the agreement and allow the City Manager to execute the agreement subject to non-substantive changes and amend the attorney cost reimbursement to read \$10,000. Passed unanimously.

Received report and consider policy statement regarding appointment of members to Boards, Commissions and Committees. **City Manager Jackson** gave recommendations for the initial terms for the Arts & Culture Commission. Three members would be appointed to two (2) year terms and four members would be appointed to four (4) year terms. The Council could request all seated commissioners with terms expiring, to complete an application and be interviewed with any new applicants desiring appointment. A new resolution with Council procedures could be drafted if the Council desires.

Councilmember Ibarra stated he was in favor of a new format requiring re-application to allow other members of the community to participate.

Carolyn Livengood of Sheryl Drive said attendance and contribution of committee members should be monitored. Commends Council for looking into this since it is long overdue. **Mayor Franzella** said when an appointment comes up a person currently serving would have the opportunity to apply just as any other person. We have a closed system now and routinely reappoint members. **Vice Mayor Pallas** said it was hard to get volunteers and should not discourage them from serving by having them re-interview.

M/S Ibarra/O'Connell to direct staff to bring back a resolution revising Council policy on appointments to Committee, Boards, and Commissions. **City Manager Jackson** requested clarification that it was the Council's desire to set policy in place upon expiration of a commissioners term he/she would reapply and be considered along with other interested applicants. **Mayor Franzella** also requested a process be set so all groups do not expire at the same time. Motion passed with unanimous vote. **Councilmember O'Connell** requested to know which staff member would be assigned to the new Arts & Culture Commission to help with the start up. **Mayor Franzella** said Council would be receiving recommendations from the City Manager at a future date.

CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS:

Director of Public Works Scott Munns recommended that the Council authorize the use of previously appropriated funds for the **2003 Bus Route Rehabilitation Project** as follows:

- (1) \$74,200 of remaining CMAQ Bus Route Roadway Rehabilitation Program grants funds;
- (2) \$28,100 from the Street Resurfacing Program (Gas Tax Funds);
- (3) \$18,300 from the Neighborhood Water Main Replacement Project (Water Funds);

- (4) \$67,800 from the Angus Connector Sewer Project (Wastewater Funds); and
- (5) \$17,600 from the Spot Stormdrain Repairs Project (Stormwater Funds); and
- (6) Authorize a total project budget in the amount of \$206,000 for construction, project management and contingencies as recommended in this report; and
- (7) Award the 2003 Bus Route Rehabilitation Project to the lowest responsible bidder, Interstate Grading and Paving, in the amount of \$119,384.00; and
- (8) Approve Change Order No. 1 resulting in an additional cost of \$45,000 for a revised contract amount of \$164,384; and
- (9) Authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney.

Director Munns clarified the change order, which was done to cover planned work, omitted from the original bid. Overheads were shown of the areas affected and work is scheduled to be completed before the rainy season this Fall and includes resurfacing part of Belle Air which was tore up due to utility work.

Councilmember O'Connell said she had received several complaints of a lack of notice when the utility work was done and wanted to make sure proper notice was given to neighborhood residents of any road closures. **Director Munns** indicated there would be no road closures but some limits to parking. **M/S O'Connell/Ibarra** to approve award of contract and staff recommendations passed with unanimous vote.

Authorize City Manager to execute change order to the contract for the **Belle Air Sewer Rehabilitation Phase 2A** in the amount of \$147,500 to add additional upstream sewer replacement work located on San Antonio Avenue. **Director Munns** clarified an omission of an exhibit, which shows the location of several projects involved especially the area at San Antonio and San Marco to extend the previous work done. **M/S O'Connell/Ruane** to approve and passed by unanimous vote.

COMMUNICATIONS: None

STAFF REPORTS: Director of Public Works Scott Munns recommended the City Council approve introduction and adoption of a resolution of vacation of a 5-foot wide portion of an existing 10-foot wide public utility easement across Lot 18, Block 6 in the Crestmoor Park Subdivision No. 1 (2385 Crestmoor Drive) as more specifically shown on the Exhibit A in the staff report; and, authorize the City Manager to execute any other related documents that may be deemed necessary to complete the intent of the easement vacation, subject to approval as to form by the City Attorney. **Director Munns** indicated the property owner has requested the City vacate the easement. The homeowner has already relocated a PG&E power pole and there are currently no utilities present. The applicant will pay any cost involved with this request. **Councilmember O'Connell** asked if there was a current plan submitted to the Planning Commission and the response was no. She does not want the applicant to think this approval has any bearing on the Planning Commission process and does not mean future plans will be approved. **Councilmember Ruane** introduced the resolution for adoption with a roll call vote of All Ayes. Absent: none.

REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Jennifer Blanco of Fleetwood Drive thanked the Council for implementing the new Arts & Culture Commission. She invited the Council and public to attend Belle Air School Halloween Dinner and Dance Thursday night at 5:00 p.m.

Robert Riechel of 7th Avenue updated the Council on efforts to improve the 7th Avenue ditch and Cupid's row canal to carry more rain runoff. Greatly appreciates the "team work" that overcame all the red tape.

REPORT OF COMMITTEES, BOARDS, AND COMMISSIONS:

Traffic Safety & Parking Committee recommends introduction and adoption of a resolution authorizing installation of **Red Curb No Parking Zone** in front of 2400 Rosewood Drive (Bethany Presbyterian

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Church). **Councilmember O’Connell** introduced the resolution for adoption with roll call vote of All Ayes and absent: none.

NEW BUSINESS:

Councilmember Ibarra requested scheduling a Redevelopment Agency **Study Session** to discuss development plans for the **former Wells Fargo Site** at 470 San Mateo Ave. **Councilmember Ibarra** said members of the public have submitted petitions and the Ad Hoc committee members have their own ideas as to how to develop this site and we need to get a handle on what direction we want to go. **Mayor Franzella** suggested that the “Study Session” be held prior to the November 25, 2003, City Council meeting. **Councilmember Ibarra** wants to hear the recommendations of the Council Ad Hoc Committee as well as the Chamber and any other groups. It was agreed to start at 5:30 p.m. on November 25, 2003, no action would be taken but direction would be given to staff.

Vice Mayor Pallas said with all the fires in Southern California the surface water is being contaminated and Hetch Hetchy water may not be able to supply our County. He wants to make sure our four (4) wells are functioning and that Lions Field well is completed. He is requesting on the next agenda, a report of how our wells are doing and the progress of the completion of Lions Field Well#20. **Mayor Franzella** requested Acting **Fire Chief Voreyer** give a report concerning mutual aid San Bruno Fire is giving. San Bruno Engine #151 led by Captain Charlie Barringer, was dispatched to Ventura County at 9:30 Saturday evening with four (4) firefighters. Because of the severity of the fires, they were put to work immediately on the Simi Valley fire lines and have worked 48 hours straight.

City Council adjourned at 9:00 p.m. to a **CLOSED SESSION: City Attorney Thompson** requested closed session for personnel matters. (Semi-annual performance evaluation of the City Attorney.) Gov’t Code Section 54957.

At 10:00 p.m., the City Council reconvened the regular City Council meeting and announced they have concluded their semi-annual review of the City Attorney and with no further business to transact the meeting was adjourned. **The November 11, 2003, City Council meeting has been canceled due to the “Veterans Day” holiday. Meeting was adjourned to the rescheduled regular City Council meeting Monday, November 17, 2003, starting at 7:00 p.m. the San Bruno Senior Center (1555 Crystal Springs Road).**

The foregoing minutes were approved
by the San Bruno City Council at a
regular meeting held on November 17, 2003

Respectfully submitted for approval,

Ed Simon, City Clerk

Larry Franzella, Mayor